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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 110/2017 and CM No. 3607/2017

VIKRAM KUMAR

..... Petitioner

Through Ms.Upasna Kang and Mr.Shwetank
Sharma, Advocates.

versus

RAKESH SARAF

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

27.02.2017

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1. The present petition is filed under Article 227 of the Constitution of India seeking to challenge the order dated 03.12.2016 by which order the right of the petitioner to file the written statement on record and to lead evidence was closed.
2. The respondent has filed the suit for recovery of Rs.19,77,000/-.
3. Earlier also though the petitioner was served, the written statement was not filed on time. CM(M) No. 1079/2015 was filed before this court. This court by vide its order dated 02.05.2016 permitted the written statement to be taken on record subject to payment of costs of Rs. 25,000/-.
4. The petitioner did not do the needful. On 16.08.2016, the trial court awarded another costs of Rs. 5,000/-. On 31.08.2016, the same thing happened and another costs of Rs.5,000/- was imposed on the petitioner.

5. By the impugned order, the trial court noted that the earlier orders have not been complied with and the petitioner is only delaying the matter and closed the defendant's/petitioner's defence.
6. Learned counsel for the petitioner submits that the problem of paying the costs was on account of demonetisation. She submits that the petitioner is ready to pay the costs.
7. An advance copy of the petition has been sent to the respondent. However, none is present on his behalf.
8. In the interest of justice, subject to payment of costs of Rs.35,000/- as already imposed on the petitioner and another costs of Rs.10,000/- within two weeks from today, the petitioner is given one last opportunity to have the written statement placed on record. In case, the said sum of Rs.45,000/- is paid within two weeks from today, the written statement shall be taken on record and proceedings shall start thereupon. No further opportunity shall be granted to the petitioner in any manner whatsoever.
9. In view of the above, the present petition stands disposed of.
10. All pending applications also stand disposed of.

JAYANT NATH, J

FEBRUARY 27, 2017

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